

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Electric
Procurement Policy Refinements pursuant to the Joint
Reliability Plan.

Rulemaking 14-02-001
(Filed February 5, 2014)

**DECISION GRANTING COMPENSATION TO THE GREEN POWER
INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-01-033**

Intervenor: The Green Power Institute	For contribution to Decision (D.) 16-01-033
Claimed: \$16,384	Awarded: \$16,384.00
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Colette E. Kersten

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision D.16-01-033 closed the Joint Reliability Plan proceeding, and affirmed the Rulings suspending Tracks 1 and 2.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	April 17, 2014	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	May 16, 2014	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.14-02-001	Verified
6. Date of ALJ ruling:	October 23, 2014	
7. Based on another CPUC determination (specify):		Verified
8. Has the Intervenor demonstrated customer or customer-related status?		Yes

Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-02-001	Verified
10. Date of ALJ ruling:	October 23, 2014	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-01-033	Verified
14. Date of issuance of Final Order or Decision:	January 29, 2016	Verified
15. File date of compensation request:	February 22, 2016	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
D.16-01-033 closes OIR R.14-02-001, and confirms all Rulings in the proceeding docket.	(Please note that Attachment 2 includes a list of issue areas, and of GPI Pleadings relevant to this Claim.)	
1. Defer consideration of multiyear RA Requirements <p>The Jan. 16, 2015, Ruling Suspending Track 1, ended then ongoing efforts to create multiyear RA requirements in this proceeding, and deferred any such consideration until an undetermined time in the future.</p> <p>The GPI was a strong critic of moving forward with the development of multiyear RA requirements in the absence of any demonstration of the need for such requirements. Ultimately the Commission</p>	Decision <p>Order no. 4 of the Decision affirms the Jan. 16, 2015, Ruling, which suspended Track 1, and Order no. 1 of the Decision closes Track 1.</p> Pleading <p>After reviewing the Staff Report, the GPI has two overarching impressions. First, the setting of multiyear RA requirements at this point in time may very well be a case of a solution in search of a problem. Second, the real purpose of this exercise appears to be to find ways to keep certain old gas-fired generators in operation that might otherwise be retired. We urge restraint in imposing regulations that may very</p>	Verified

<p>adopted our position, and suspended track 1 of the proceeding. GPI made a Substantial Contribution by helping to convince the Commission to suspend efforts to develop multiyear RA requirements.</p>	<p>well be unnecessary, and we encourage the Commission to look forward to the future with respect to the future operation of the evolving electricity grid. [GPI Comments, 10/30/14, pg. 1.]</p> <p>As the discussion in the Staff Report details, at the present time there is a surplus of online generating capacity available for meeting forecasted peak load, including maintaining the mandated 15-percent reserve margin. Moreover, there is no indication from the marketplace that we know about that the situation is changing. The Staff Report does not identify any deficiency with respect to the existing reliability framework in California. [GPI Comments, 10/30/14, pg. 2.]</p> <p>The discussion about flexible-capacity requirements in the Staff Report gives no indication that there is a concern that current efforts underway in the RA proceeding are not sufficient to ensure system reliability with respect to the availability of flexible-capacity at the present time. Enacting multiyear flexible-capacity requirements at this point in time, when we are just beginning to learn about how annual requirements might work, is highly premature. [GPI Comments, 10/30/14, pgs. 2-3.]</p>	
<p>2. Any future consideration of multiyear RA Requirements should be done in the RA proceeding</p> <p>The Jan. 16, 2015, Ruling Suspending Track 1, ended then ongoing efforts to create multiyear RA requirements, and D.16-01-033 directs that any remaining work in tracks 1</p>	<p>Decision</p> <p>Order no. 3 of the Decision directs that any remaining work related to Track 1 (e.g., consideration of multiyear RA requirements) will be handled in the RA proceeding.</p> <p>Ruling</p> <p>The Green Power Institute (GPI) concludes that the multi-year</p>	<p>Verified</p>

<p>and 2 be assumed by the RA or LTPP proceedings (logically track 1 to RA, track 2 to LTPP).</p> <p>The GPI made a Substantial Contribution to the Decision by arguing strongly during the two May, 2014, JRP workshops that a multiyear RA program would be, in fact, an extension of the existing RA program. Therefore, in the interest of efficiency and consistency, any consideration of multiyear RA requirements should be done in the RA proceeding.</p>	<p>requirements should be developed in the same proceeding as the one-year product (Ruling, 1/16/15, pgs. 5-6).</p>	
<p>3. Any future consideration of multiyear RA Requirements should be based on a finding of need, not the result of a trigger mechanism</p> <p>The Jan. 16, 2015, Ruling Suspending Track 1, in ending the then ongoing efforts to create multiyear RA requirements, considered the possibility of the creation of a trigger mechanism to reinstate the considerations. The GPI made a Substantial Contribution by opposing the use of a trigger, preferring instead to depend on an affirmative finding by the Commission to reinstate any such considerations. We further contributed by pointing out that one of the two trigger mechanisms proposed in the Staff Report would, in effect, become a de facto regulation in its own right. The adoption of</p>	<p>Ruling</p> <p>PG&E, GPI, and CLECA emphasize that multi-year RA should be institute based on a “finding of underlying need” and not on a trigger that the Commission spends a lot of time trying to develop (Ruling, 1/16/15, pg. 7).</p> <p>Pleading</p> <p>The GPI believes that, based on the record as it currently stands, there is no justification for imposing a new regulatory regime on LSEs at this point in time that involves setting multiyear RA requirements. All indications are that the integrated electric system has more than enough generating capacity of all kinds needed to ensure reliability, and there is no reason to believe that this situation will change anytime soon. Therefore, rather than imposing multiyear RA requirements on jurisdictional LSEs at the present time, it would be more reasonable to develop triggers that would put the process of establishing a multiyear RA program into motion when there are indications</p>	<p>Verified</p>

a trigger mechanism was rejected in the Ruling, and by extension, by the Decision.	<p>from the marketplace that such a program is needed. [GPI Comments, 10/30/14, pg. 5, emphasis added.]</p> <p>A trigger based on the level of mid-term (three-year) forward contracting would have the effect of establishing a de facto forward RA-procurement regulation in order to determine when that regulation is needed (GPI Comments, 10/30/14, pg. 6).</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Cal. Energy Storage Alliance, Independent Energy Producers Assoc., Marin Clean Energy, Sierra Club, TURN		Verified
d. Intervenor's claim of non-duplication: This proceeding covers a wide variety of topics related to long-term reliability issues. The Green Power Institute coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, and added significantly to the outcome of the Commission's deliberations. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power provided our own unique perspective on issues, avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in this Proceeding, R.14-02-001 that are relevant to matters covered by this Claim, and a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to Decision D.16-01-033.	Verified

<p>The hours claimed herein in support of Decision D.16-01-033 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by the Decision in this case. In preparing Attachment 2, Dr. Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the underlying tasks. As a result, the GPI submits that all of the hours included in the attachment are reasonable, and should be compensated in full.</p> <p>Dr. Morris is a renewable energy analyst and consultant with more than thirty years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Dr. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.</p> <p>Dr. Morris has been actively involved in electric utility restructuring in California throughout the past two decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the CEC Renewables Program Committee, consultant to the Governor's Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.</p> <p>Decision D.98-04-059 states, on pgs. 33-34, "Participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. ... At a minimum, when the benefits are intangible, the customer should present information sufficient to justify a Commission finding that the overall benefits of a customer's participation will exceed a customer's costs." Current Commission practice is to regulate resource adequacy (RA) on a year-ahead basis. This proceeding was created to examine whether there is a need to establish multiyear RA requirements for the states regulated electricity providers. At the beginning of the deliberations there appeared to be a great deal of momentum behind the idea that multiyear RA requirements should be created. The GPI helped to make the case that multiyear RA requirements are not needed at this time, and would represent a significant, unneeded expense for ratepayers. The value of these benefits overwhelms the cost of our participation in this proceeding.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>The GPI made Significant Contributions to Decision D.16-01-033 by providing Commission filings on the various topics that were under consideration in the Proceeding, and are covered by this Claim. Attachment 2 provides a detailed breakdown of the hours that were expended in making our Contributions. The</p>	<p>Verified</p>

hourly rates and costs claimed are reasonable and consistent with awards to other intervenors with comparable experience and expertise. The Commission should grant the GPI's claim in its entirety.	
c. Allocation of hours by issue: 1. Defer consideration of multiyear RA requirements 65 % 2. Future consideration should be done in the RA proceeding 15 % 3. Future consideration should be based on a finding of need 20 %	Verified

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
G. Morris	2014	47.0	270	D.15-06-058	12,69.00	47	\$270	\$12,690.00
G. Morris	2015	9.5	270	D.15-09-021	2,565.00	9.5	\$270	\$2,565.00
Subtotal: \$15,255						Subtotal: \$15,255.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
G. Morris	2016	8.0	135	½ rate for 2015	1,080	8	135	\$1,080.00
Subtotal: \$ 1,080						Subtotal: \$1,080.00		
COSTS								
#	Item	Detail			Amount	Amount		
	Postage	See Attachment 2			49	\$49.00		
TOTAL REQUEST: \$16,384						TOTAL AWARD: \$16,384.00		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>								

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	List of issue areas and pleadings, time sheets, and detail on expenses

DPART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. GPI has made a substantial contribution to D. 16-01-033
2. The requested hourly rates for GPI's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$16,384.00.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Green Power Institute shall be awarded \$16,384.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay Green Power Institute their respective shares of the award, based on their California-jurisdictional electric revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 27, 2016, the 75th day after the filing of Green Power Institute's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1601033		
Proceeding(s):	A1402001		
Author:	ALJ Kersten		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Green Power Institute	February 22, 2016	\$16,384.00	\$16,384.00	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregg	Morris	Expert	GPI	\$270.00	2014	\$270.00
Gregg	Morris	Expert	GPI	\$270.00	2015	\$270.00

(END OF APPENDIX)